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09/910,507	07/19/2001	Nicole Beaulieu	29757/P-585	9682

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EXAMINER

ASHBURN, STEVEN L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 05/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

66

Office Action Summary

Application No.

09/910,507

Applicant(s)

BEAULIEU ET AL.

Examiner

Steven Ashburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Abstract

The abstract of the disclosure is objected to because it not written in clear and concise language. Instead it is essentially a restatement of the claim language. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 10, 13, 18, 22, 25 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is indefinite for using the term "value stimulation" because a value does not have sensory means to be stimulated. Consequently, the claims fail to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6, 7, 9-19, 21-27, 30, 31 and 33-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano et al., U.S. Patent 6,537,150 B1 (Mar. 25, 2003) in view of Takemoto et al. 5,807,177 (Sep. 15, 1998)

Luciano discloses gaming apparatus and method first determines an outcome, and then maps that outcome to a symbol that is displayed to a player. *See abstract*. In general, for each possible outcome, there may be a plurality of possible symbols, and the system selects a symbol by a random selection technique. *See id*. The method can be practiced both for lottery-type games and non-lottery games. In the case of lotteries, the system determines the outcome by selecting a game set element from a finite pool, each game set element being associated with a particular value. *See id*. The system then maps the game set element to an appropriate symbol to be displayed to the player. *See id*. The award determined by the system may also be computed by selecting multiple awards, either from the same game set or from different game sets, and adding these awards, before reverse-mapping the result to an appropriate symbol display. *See id*. As a result, the invention provides more varied and entertaining games than are achievable with comparable systems of the prior art. *See id*.

In regards to claims 1, 10, 13, 18, 22, 25, 34: *Luciano* teaches the following features:

- a. Determining a first in-game outcome for each game based on a configuration of a first set of game pieces selected from the plurality of game pieces, the number of pieces in the first set of

game pieces being less than that in the plurality. *See fig. 2; 8:17-53; 21:49-22:2.* More specifically, *Luciano* picks one or more elements from a pool of outcomes.

b. Displaying a first set of game images corresponding to the first set of game pieces. *See id.* More specifically, after selecting game elements, *Luciano* associates the element with a set of images. *See col. 22:3-14.*

c. Providing a first in game stimulation selected from a group consisting of visual stimulation, value stimulation and physical stimulation according the first game outcome. *See id.* More specifically, *Luciano* stimulates a player by producing a visual display and paying and award associated with the selected game elements. *See col. 22:15-33.* Visual stimulations are inherently physical stimulations because they stimulate a persons physical senses.

d. Determining separately a game outcome for each game based on a configuration of game pieces. *See fig. 2; 8:17-53; 21:49-22:2.*

e. Displaying a plurality of game piece images corresponding to the plurality of game pieces. *See col. 22:3-14*

f. Determining a value payout based on the game outcome. *See col. 21:16-28.*

However, *Luciano* does not describe a stimulation being a 3-D aural stimulation. Regardless of the deficiency, this feature would have been obvious to an artisan in view of *Takemoto*.

Takemoto discloses a gaming machine chair including a vibration generator and a loudspeakers mounted to the left and right of a players head. *See fig. 1; col. 2:30-63.* The vibration generator is used for generating vibrations proper to the progress of a game. *See id.* Furthermore, the speakers positioned close to the player's head improve the impact of a game. *See id.* Having two speakers mounted on the opposite sides of a player' head inherently generates a 3-D aural stimulation. Hence, the system described by *Takemoto* suggests a gaming system have various player stimulations including 3-D aural

Art Unit: 3714

stimulation to improve the impact of the game by producing sound effects on speakers close to the player's head. *See id.*

In view of *Takemoto*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the gaming system disclosed by *Luciano*, wherein players are stimulated corresponding to a game outcome, to add the feature of stimulation being a 3-D aural stimulation. As suggested by *Takemoto* adding the feature of a 3-D aural stimulation improves the impact of the game by producing sound effects on speakers close to the player's head. *See id.*

In regards to claims 2, 14, 26: *Luciano* additionally teaches determining a first game outcome determining a first-in game outcome for each game based on a single game piece selected from the plurality of pieces. *See fig. 2; col. 8:17-53.*

In regards to claims 3, 15, 27: *Luciano* additionally teaches determining second game outcome for each game based on the configuration of second set of game pieces selected from the plurality of game pieces, the number of game pieces in the second set of game piece being less than that in the plurality and more than that in the first set of game pieces; displaying a set of game images corresponding to the second set of game pieces; and providing another in-game stimulation. *See 21:49-22:2.* In particular, *Luciano* allows selection of two sets of game pieces to play multi-round games such as poker wherein the second display includes more cards than the first display. *See col. 29:4-22.*

In regards to claims 6, 30: *Takemoto* additionally suggests providing a second in-game stimulation from according to the first game outcome. *See fig. 1; col. 2:30-63.* More specifically, a first in-game stimulation might be a audio stimulation and the second in-game stimulation might be a vibration.

In regards to claims 7, 19, 31: It is implicit in *Takemoto* that the first and second in-game stimulation are performed simultaneously. *See fig. 1; col. 2:30-63*. For example, stimulating a vibration to augment an audio stimulation.

In regards to claims 9, 21, 33: *Takemoto* additionally suggests a gaming combining a first, second and third in-game stimulation. *See id.* For example, the combination of audio and vibration stimulating from the gaming chair a provided in combination with visual stimulation generated by the gaming display.

In regards to claims 11, 23, 35: *Luciano* teaches combining a first event and a second event to produce a third event different than would occur in either the first or second events alone. *See col. 3:42-63, 18:45-54*. Hence, when taken as a whole the combination of *Lucino* and *Takemoto*, wherein stimulations are selected from the group consisting of 3-D aural, visual, physical or value, the prior art suggests the claimed feature of providing a first-in game stimulation comprising a first event and a second event, combining the first even with the second event to generate a third event and providing a third event to a first stimulator selected from the group consisting of 3-D aural, visual, physical and value wherein the stimulation is provided according to a third event different than would be provided according to a first or second event.

In regards to claims 12, 24, 36: *Luciano* additionally teaches value input device and determining a value payout based on the wager made by the player and the game outcome. *See col. 3:42-63*.

Art Unit: 3714

In regards to claims 17: *Luciano* additionally teaches determining a first and second in-game outcome before step of displaying a first set of game piece images. *See col. 21:49-22:2.*

In regards to claim 37: *Takemoto* additionally describes a gaming system having multiple visual displays including partitioned displays, multiple displays and reels. *See fig 3(34), 5; col. 22:27-32.* However the combination of *Luciano* with *Takemoto* does not particularly describe partitioned displays, top boxes, toppers, candles light bezels, button lights and dispenser lights. Regardless, partitioned displays, top boxes, toppers, candles light bezels, button lights and dispenser lights are notoriously well known in the art for use as indicators in gaming machines to provide visual excitement and information and game status to players. Hence, it would have been obvious to an artisan at the time of the invention to modify the gaming device suggested by the combination of *Luciano* with *Takemoto* to add the features of partitioned displays, top boxes, toppers, candles light bezels, button lights and dispenser lights thereby enhance the device by providing visual excitement, information and game status to players.

In regards to claim 38, *Luciano* additionally describes a peripheral device having lights and displays. *See fig 3(34).*

In regards to claim 39: *Luciano* describes a gaming device that pays out cash or prints vouchers. *See fig 1, 5, 6; col. 11:45-54.* However, neither *Luciano* nor *Takemoto* particularly describe payout devices including, printer ticket vouchers, bonus ticket vouchers, cash redemption ticket vouchers, casino chip tick vouchers, extra game play ticket vouchers, restaurant ticket vouchers, show ticket vouchers. Regardless, these payout devices are known equivalents for awarding players in gaming systems. Thus, it would be obvious to an artisan at the time of the invention to modify the gaming device suggested by the combination of *Luciano* and *Takemoto*, wherein a player is paid through a coin hopper, to substitute

Art Unit: 3714

known alternatives payout devices including printer ticket vouchers, bonus ticket vouchers, cash redemption ticket vouchers, casino chip ticket vouchers, extra game play ticket vouchers, restaurant ticket vouchers, show ticket vouchers.

In regards to claim 40: *Luciano* describes a gaming system with a bill acceptor. *See fig. 5.* *Takemoto* describes a game system with a card acceptor. However, neither *Luciano* nor *Takemoto* particularly describes a coin acceptor, token acceptor, ticket reader, coupon reader, or a voucher reader. Regardless, these credit devices are known equivalents for accepting game credit from players. Thus, it would be obvious to an artisan at the time of the invention to modify the gaming device suggested by the combination of *Luciano* and *Takemoto*, wherein a players may obtain game credit by cash or card, to substitute known alternatives payout devices including coin acceptor, token acceptor, ticket reader, coupon reader, or a voucher reader.

In regards to claim 41, *Luciano* additionally suggests a gaming apparatus linked together to form a network consisting of a LAN, WAN, intranet or Internet. *See fig. 3, 5, 7, col. 11:16-31.*

In regards to claim 42, *Luciano* additionally suggests describes gaming apparatuses linked to a central controller. *See id.*

In regards to claim 43, *Luciano* describes gaming apparatuses linked to a network. *See id.* However, the neither *Luciano* nor *Takemoto* describe a peer-to-peer network. Regardless, peer-to-peer networks are known alternative network form to a LAN or a WAN. Thus, it would be have been obvious to an artisan at the time of the invention to modify the gaming system suggested by the combination of

Art Unit: 3714

Luciano with *Takemoto*, wherein the devices are linked over a network to substitute a peer-to-peer network connection.

Claims 4, 5, 8, 16, 17, 20, 28, 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Luciano* in view of *Takemoto*, as applied to claims 1-3, 6, 7, 9-19, 21-27, 30, 31 and 33-43 above, in further view of Bennett, U.S. Patent 6,224,482 B1 (May 1, 2001)

In regards to claims 4, 16, 28: The gaming system suggested by the combination of *Luciano* and *Takemoto* describe all the features of the claims except having the second in-game stimulation being heightened relative to the first in-game stimulation.

Bennett describes a gaming system that increases the pitch, sound level and duration of sounds in a game as an incremental prizes adds up in order to add excitement to a game. *See col. 6:53-61*. Hence, it suggests heightening a second in-game stimulation relative to a first in-game stimulation in order to add excitement to a multi-stage game.

In view of *Bennett*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the gaming system suggested by the combination of *Luciano* and *Takemoto*, wherein the game has multiple stages, to add the feature of having the second in-game stimulation being heightened relative to the first in-game stimulation. As suggested by *Bennett*, the modification would enhance to system by adding excitement to a multi-stage game. *See col. 6:53-61*.

In regards to claims 5, 17, 29: *Luciano* additionally teaches determining a first and second in-game outcome before step of displaying a first set of game piece images. *See col. 21:49-22:2*.

In regards to claim 8, 20, 32: *Bennett* additionally teaches performing a first and second in-game stimulations sequentially. *See col. 6:53-61*.

Art Unit: 3714

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

S.A.
April 30, 2003



MARK SAGER
PRIMARY EXAMINER